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PAGE 01 STATE 302469 090138Z
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PAGE 02 STATE 302469 090138Z
GENEVA FOR AMBASSADOR SPIEGEL TO PASS TO AYALA LASSO

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E.O. 12356: N/A

TAGS: PHUM, PREL, UN, RW, ZA, BU, TZ, UG

SUBJECT: RWANDA TRIBUNAL RESOLUTION

REF: UN DOC PROVISIONAL S/1994/1168 10/27/94, AS REPORTED
IN USUN/IO/UNP FAX 10/28/94

1. USUN IS INSTRUCTED TO REQUEST THAT THE PRESIDENT OF
THE SECURITY COUNCIL SCHEDULE A VOTE ON THE DRAFT
RESOLUTION AND STATUTE FOR THE RWANDA TRIBUNAL (REF) ON
TUESDAY, NOVEMBER 8.

2. USUN SHOULD SEEK SUPPORT OR ABSTENTION FROM THE
RWANDAN REPRESENTATIVE TO THE SECURITY COUNCIL. IF RWANDA
CANNOT SUPPORT THE RESOLUTION AND DECIDES TO VOTE NO, USUN
SHOULD ASK THE RWANDAN REPRESENTATIVE TO DECLARE PUBLICLY
THAT RWANDA WILL COOPERATE FULLY WITH THE SECURITY
COUNCIL'S DECISION AND WITH THE TRIBUNAL.

3. USUN IS INSTRUCTED TO VOTE FOR THE RESOLUTION.
EXPLANATION OF VOTE FOLLOWS, PARAGRAPH 4.

4. BEGIN EXPLANATION OF VOTE:

U.S. EXPLAATION OF VOTE

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ITEATIAL TRIBUNAL FOR ANDA
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PAGE 03 STATE 302469 090138Z

NOVEMBER 8, 1994

GENOCIDE OCCURRED IN RWANDA LAST SPRING. OTHER GRAVE
VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW ALSO HAVE
RAVAGED THAT STATE. THIS COUNCIL HAS BEEN SEIZED WITH
THESE HORRIFIC EVENTS THROUGH MUCH OF THIS YEAR. TODAY
MARKS THE CULMINATION OF MONTHS OF VERY HARD AND
PERSISTENT WORK BY OUR RESPECTIVE GOVERNMENTS, THE
SECRETIAT, THE COMMISSION OF EXPERTS, AND THIS COUNCIL

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TO CREATE A NEW TRIBUNAL FOR THE INVESTIGATION AND PROSECUTION OF GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES IN RWANDA AND BY RWANDAN CITIZENS IN STATES NEIGHBORING RWANDA.

WE URGE THE GOVERNMENT OF RWANDA TO COOPERATE FULLY WITH THE INTERNATIONAL TRIBUNAL. MY GOVERNMENT APPRECIATES THE WILLINGNESS OF THE GOVERNMENT OF RWANDA, AND ITS PERMANENT REPRESENTATIVE ON THIS COUNCIL, TO EXAMINE THIS ISSUE IN RECENT WEEKS. WE URGE THE GOVERNMENT OF RWANDA TO COOPERATE FULLY WITH THE PROSECUTION OF THOSE GUILTY OF THE UNSPEAKABLE ACTS OF GENOCIDE AND OTHER ATROCITIES COMMITTED IN RWANDA. WE APPRECIATE THE EFFORTS OF THE UN'S LEGAL COUNSEL, HANS CORRELL, TO CONSULT WITH THE GOVERNMENT OF RWANDA IN KIGALI ABOUT THIS RESOLUTION AND THE STATUTE FOR THE TRIBUNAL. OVER THE LAST FEW MONTHS, THIS COUNCIL HAS ACTED WITH DETERMINATION TO ESTABLISH THE TRIBUNAL AT THE EARLIEST POSSIBLE DATE.

THE PROSECUTOR WILL NEED TO WORK VERY CLOSELY WITH THE GOVERNMENT OF RWANDA TO ESTABLISH A PRESENCE IN THAT

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PAGE 04 STATE 302469 090138Z
COUNTRY AND TO OPERATE FREELY IN HIS INVESTIGATIONS AND PROSECUTIONS. MY GOVERNMENT FULLY SUPPORTS THE ESTABLISHMENT OF A TRIBUNAL OFFICE IN KIGALI AND FOR A GREAT DEAL OF THE TRIBUNAL'S WORK NECESSARILY TO PROCEED IN RWANDA. WE ALSO LOOK FORWARD TO FURTHER CONSULTATIONS ON THE OFFICIAL SEAT OF THE TRIBUNAL. THERE IS AN

IMPERATIVE NEED FOR THE TRIBUNAL TO OPERATE EFFICIENTLY, SECURELY, AND IN A MANNER CONSISTENT WITH THE OVERALL DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW. WE WILL LOOK FORWARD TO THE VIEWS OF THE SECRETARY GENERAL AND THE PROSECUTOR IN OUR EVALUATION.

AS CHIEF PROSECUTOR, JUSTICE GOLDSTONE WILL BRING TO THIS ENDEAVOR THE SAME INTEGRITY AND SKILL THAT HE ALREADY HAS INFUSED INTO THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA. WE LOOK FORWARD TO ASSISTING JUSTICE GOLDSTONE IN WHATEVER WAY WE CAN TO FACILITATE HIS WORK ON RWANDA. WE ALSO LOOK FORWARD TO THE SELECTION OF A DEPUTY

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PROSECUTOR FOR RWANDA WHO WILL HAVE MAJOR RESPONSIBILITY
FOR INVESTIGATIONS AND PROSECUTIONS.

THE ESTABLISHMENT OF THE INTERNATIONAL TRIBUNAL FOR RWANDA
IS ONLY THE BEGINNING. ONE MAJOR CHALLENGE AHEAD OF US IS
ADEQUATE FUNDING FOR THE TRIBUNAL. WE URGE ALL MEMBER
STATES TO MAKE VOLUNTARY CONTRIBUTIONS TO THE TRIBUNAL.
MORE IMPORTANTLY, THE UNITED NATIONS MUST PROVIDE
SUFFICIENT FUNDS FOR THESE EARLY' CRITICAL MONTHS OF THE
TRIBUNAL'S WORK. WE STRESS, HOWEVER, THAT WITH THE
GROWING BUDGETARY NEEDS OF THE INTERNATIONAL TRIBUNAL FOR
THE FORMER YUGOSLAVIA, OUR CHALLENGE WILL BE TO FINANCE
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PAGE 05 STATE 302469 090138Z
BOTH AD HOC TRIBUNALS WITH ENOUGH RESOURCES TO GET THE JOB
DONE.

THE JUDICIAL SYSTEM IN RWANDA ALSO WILL REQUIRE MUCH
REBUILDING IN ORDER TO TAKE ON THE ENORMOUS TASK OF DAILY
LAW ENFORCEMENT AS WELL AS THE PROSECUTION OF MANY OF THE
SUSPECTS WHOM THE TRIBUNAL WILL NOT BE ABLE TO HANDLE. MY
GOVERNMENT IS PREPARED TO ASSIST RWANDA IN THIS IMPORTANT
TASK, AND WE ENCOURAGE OTHER GOVERNMENTS TO PROVIDE
ASSISTANCE.

THE INVESTIGATION OF GENOCIDE IS INDEED VERY GRIM WORK.
BUT WE HAVE A RESPONSIBILITY TO SEE THAT THE INTERNATIONAL
TRIBUNAL FOR RWANDA CAN ACCOMPLISH ITS OBJECTIVE--ONE THAT
THIS COUNCIL INCREASINGLY RECOGNIZES: TO HOLD INDIVIDUALS
ACCOUNTABLE FOR THEIR VIOLATIONS OF INTERNATIONAL
HUMANITARIAN LAW. AS EVIDENT IN THE FORMER YUGOSLAVIA, IN
RWANDA THERE IS AN EQUAL NEED TO FORGE HARMONY AMONG
ETHNIC GROUPS BY BRINGING TO JUSTICE THE INDIVIDUALS WHO
COMMITTED SUCH HEINOUS CRIMES, REGARDLESS OF THEIR

POSITION IN SOCIETY.

TODAY, WE TAKE AN HISTORIC STEP FOR MANKIND. TODAY WE
CREATE AN INTERNATIONAL TRIBUNAL TO PROSECUTE GENOCIDE AND
OTHER CRIMES AGAINST HUMANITY.

THE UNITED NATIONS WAS FORGED IN THE CRUCIBLE OF THE

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HOLOCAUST; AT AUSCHWITZ, THE WORLD SAW THAT STATE
SOVEREIGNTY MUST NEVER AGAIN BE ABSOLUTE; THAT WHEN A
STATE MURDERS ITS PEOPLE, IT LOSES ITS LEGITIMACY, AND THE
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PAGE 06 STATE 302469 090138Z
UNITED NATIONS MUST INTERVENE; THAT THOSE WHO COMMIT
CRIMES AGAINST HUMANITY MUST BE BROUGHT TO JUSTICE BEFORE
COURTS CREATED BY THE ENTIRE HUMAN RACE.

THE FIRST INTERNATIONAL CONVENTION ADOPTED BY THE UNITED
NATIONS IN 1948 WAS THE CONVENTION FOR THE PREVENTION AND
PUNISHMENT OF THE CRIME OF GENOCIDE. YET SINCE 1948,
MILLIONS HAVE BEEN MURDERED IN GENOCIDES. AND THE MASS
MURDERERS OF THE WORLD -- THE POL POTS, IDI AMINS, AND
MENGISTUS; THE STALINS AND SADDAMS -- HAVE GOTTEN AWAY
WITH MURDER.

TODAY WE CREATE A COURT TO TRY THE MASS MURDERERS OF
RWANDA. TODAY WE SAY THERE WILL BE NO MORE IMPUNITY FOR
GENOCIDE. TODAY WE TAKE A STEP FOR JUSTICE, AND FOR THE
RULE OF INTERNATIONAL LAW. TALBOTT

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